FILED
2008 MAR 12 PM 4:46
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KNH DEPUTY

Chad McKinney
Pro Se
6266 Madeline St Apt #61
San Diego, CA 92115
619-634-3566

THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

CHAD MCKINNEY, an individual,

Plaintiff,

v.

APOLLO GROUP INC., UNIVERSITY OF PHOENIX , a Corporation, MECHELLE BONILLA, an Enrollment Manager at UNIVERSITY OF PHOENIX, KYAN FLYNN, Director of Enrollment at UNIVERSITY OF PHOENIX, APRIL ALCORN, an Employee Relations Consultant at UNIVERSITY OF PHOENIX CARLYN LINDSTEN, Associate Director of Enrollment at UNIVERSITY OF PHOENIX

Defendants

CIV. Case No.07-cv-2373 WQH

FOR VIOLATION OF FEDERAL FALSE CLAIMS ACT AND FOR VIOLATION OF THE THE CIVIL RIGHTS ACT 1964 AND THE AMENDMENTS TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1991

RETALIATION- WRONGFUL TERMINATION & EMPLOYENT DISCRIMINATION CIVIL ACTION

Plaintiff's Motion for Clerk's Entry of Default

Demand for Trial By Jury Pursuant to U.S. Constitution, 7th Amendment

March 12, 2008

PLAINTIFF'S MOTION FOR CLERK'S ENTRY OF DEFAULT

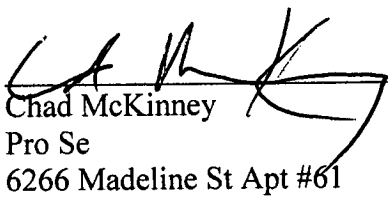
Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and any other relevant Federal Rule of Civil Procedure pertaining to this case, plaintiff Chad McKinney, Pro Se, respectfully moves the Court to enter a default against the defendant Carlyn Lindsten, in the amount of $5,000 since the Defendant has failed to plead or otherwise defend herself against the plaintiff's original complaint within the timeframe required by the Federal Rules of Civil procedure. The Complaint was originally filed with the Court on December 19th 2007 and entered December 20th. The defendant was served on January 31, 2008. (Please see copy of Return of Service).

In support of this motion, the Plaintiff states with supporting evidence:

1. This complaint was filed on December 19, 2007
2. This complaint was properly served on January 31, 2008
3. As of the 12th of March 2008, the Defendant is late 42 days.
4. The plaintiff's complaint requests punitive damages of $5,000, so a default judgment in this amount should be deemed reasonable.
5. Said defendant is not an infant or incompetent, but an individual who was given ample time to respond within the timeframe required by the Federal Rules of Civil Procedure. No extra time was requested by the defendant nor granted by the Court.

WHEREFORE, the Plaintiff respectfully request that this Court issue and Order a Default against the Defendant in the amount of $5,000 to reasonably cover the damages incurred by the plaintiff.

Respectfully submitted,



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THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

CHAD MCKINNEY, an individual,

Plaintiff,

v.

APOLLO GROUP INC., UNIVERSITY OF PHOENIX , a Corporation, MECHELLE BONILLA, an Enrollment Manager at UNIVERSITY OF PHOENIX, KYAN FLYNN, Director of Enrollment at UNIVERSITY OF PHOENIX, APRIL ALCORN, an Employee Relations Consultant at UNIVERSITY OF PHOENIX CARLYN LINDSTEN, Associate Director of Enrollment at UNIVERSITY OF PHOENIX

Defendants

CIV. Case No.07-cv-2373

FOR VIOLATION OF FEDERAL FALSE CLAIMS ACT AND FOR VIOLATION OF THE THE CIVIL RIGHTS ACT 1964 AND THE AMENDMENTS TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1991

RETALIATION- WRONGFUL TERMINATION & EMPLOYENT DISCRIMINATION CIVIL ACTION

Memorandum of Points and Authorities in Support of Plaintiff's Motion for Clerk's Entry of Default

Demand for Trial By Jury Pursuant to U.S. Constitution, 7th Amendment

March 12, 2008

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT PLAINTIFF'S MOTION FOR CLERK'S ENTRY OF DEFAULT

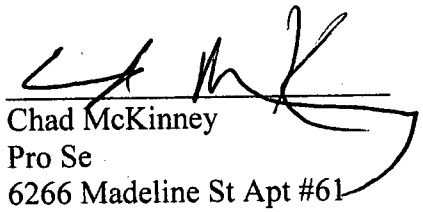
Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and any other relevant Federal Rule of Civil Procedure pertaining to this case, plaintiff Chad McKinney, Pro Se, respectfully moves the Court to enter a default against the defendant Carlyn Lindsten, in the amount of $5,000 since the Defendant has failed to plead or otherwise defend herself against the plaintiff's original complaint within the timeframe required by the Federal Rules of Civil procedure. The Complaint was originally filed with the Court on December 19th 2007 and entered December 20th. The defendant was served on January 31, 2008. (Please see copy of Return of Service).

In support of this motion, the Plaintiff states with supporting evidence:

1. This complaint was filed on December 19, 2007
2. This complaint was properly served on January 31, 2008
3. As of the 12th of March 2008, the Defendant is late 42 days.
4. The plaintiff's complaint requests punitive damages of $5,000, so a default judgment in this amount should be deemed reasonable.
5. Said defendant is not an infant or incompetent, but an individual who was given ample time to respond within the timeframe required by the Federal Rules of Civil Procedure. No extra time was requested by the defendant nor granted by the Court.

WHEREFORE, the Plaintiff respectfully request that this Court issue and Order a Default against the Defendant in the amount of $5,000 to reasonably cover the damages incurred by the plaintiff.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Chad McKinney, hereby certify that on, March 12, 2008, I served copies of the motion for Clerks entry of default on the following parties by way of United States Postal Service First Class Mail:

University of Phoenix
Attention of: Carlyn Lindsten
3890 Murphy Canyon Road
San Diego, CA 92123

Chad McKinney
Pro Se
6266 Madeline St Apt #61
San Diego, CA 92115
619-634-3566

THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

March 12, 2008

BY HAND DELIVERY

The Honorable Judge William Q. Hayes
Referred to: Magistrate Judge Cathy Ann Bencivengo
330 West Broadway, San Diego
CA 92101-3827

Re: McKinney v. Apollo Group Inc., *et al*
Civil Action 07-cv-2373

Dear Judge Hayes,

Enclosed is a courtesy copy of the Plaintiff's Motion for Clerk's Entry of Default Judgment and appendices that was hand delivered with the Clerk today.

Respectfully,

Chad McKinney, Pro Se

Cc: Apollo Group, Inc.